

REMARKS

The Office Action dated March 27, 2006 has been carefully considered. The present Response, taken with these accompanying remarks, is believed sufficient to establish the patentability of the claims and place the present application in condition for allowance. An early allowance is respectfully requested.

Applicants acknowledge and appreciate withdrawal of all prior rejections previously made of record.

Claims 1-14, 16, and 18-58 are pending in the application and subject to examination.

Nonstatutory Double Patenting

Claims 1-14, 16, and 18-58 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6-10 of U.S. Patent No. 6,878,695 (Woo) in view of U.S. Patent No. 5,942,217 ('217) and U.S. Patent No. 5,879,666 to Lucas ('666). Specifically, the Examiner notes that the claims are not identical, but are not patentably distinct from each other because, assertedly, the instant process of preparing the functionally available CD containing composition involves the same steps, except that the patented claims differ from the instant claims due to the absence of "molecular aggregates." However, the Examiner further asserts that the molecular aggregates result from the process. The Examiner contends that Woo describes the same uncomplexed CD as instantly claimed, and also teaches the inclusion of CD-compatible surfactants along with uncomplexed CD for absorbing the odors from fabrics, and concludes that it would have been obvious for one of ordinary skill in the art to add antimicrobial compounds, specific surfactants, buffering agents (of the '217 and '666 patents) in to the compositions of the '695 patent with an expectation to preserve the composition from microbial

growth as well as to stabilize the composition, and to optimize amounts so as to achieve optimum efficiency in capturing unwanted molecules. The Examiner notes that the '695 patent and the instant application are commonly assigned. Hence, the Examiner suggests that the issue may be resolved and a rejection under 35 U.S.C. §103(a) precluded by showing that the conflicting inventions were commonly owned at the time the instant application was made.

Hence, while Applicant believes that the claims of the present application are distinguishable from those of the '695 patent, in order to expedite prosecution, a Statement of Common Ownership in compliance with 37 CFR 1.78(c) and 35 U.S.C. 103(c) has been prepared and is submitted herewith. It is therefore submitted that the rejections under the judicially created doctrine of obviousness-type double patenting are overcome. Reconsideration is therefore respectfully requested.

It is believed that the foregoing constitutes a complete response to the rejections of claims 1-14, 16, and 18-58 under nonstatutory, obviousness-type double patenting. Reconsideration and an early allowance is respectfully requested.

Respectfully submitted,

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